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09/826,038	04/05/2001	Toshiaki Ohmori	50090-288	3783

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McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

CHEN, KIN CHAN

ART UNIT PAPER NUMBER

1765

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 021304

Application Number: 09/826,038  
Filing Date: April 05, 2001  
Appellant(s): OHMORI, TOSHIAKI

\_\_\_\_\_  
Scott D. Paul  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 12, 2004.

**MAILED**  
FEB 24 2004  
**GROUP 1700**

(1) ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2) ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

Whether or not claim 6 is obvious under 35 U.S.C. § 103(a) over Funk et al. (US 6,148,239; hereinafter "Funk").

**(7) Grouping of Claims**

Claim 6 is the sole claim on appeal.

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,148,239

FUNK et al.

12-1997

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al. (US 6,148,239; hereinafter "Funk").

Funk teaches a method of manufacturing a semiconductor device including a plurality of processing processes. The processes may be performed in sequences. The dimension (e.g., critical dimension, FICD) of the film may be acquired (col. 5, lines 35-37). The processing requirements for the subsequent process may be determined on the basis of the dimension of the film to be processed. The processing processes may include dry etching (plasma etching) and wet etching (col.2, lines 38-60; col. 11, lines 12-25).

The instant claim differs from Funk by specifying wet etch after the step of dry etching. However, Funk teaches that a plurality of processing processes may be performed in sequences (col. 2, lines 39-40; col. 11, lines 12-16). The processing processes may include dry etching (plasma etching) and wet etching. Therefore, it would have been obvious to one with ordinary skilled in the art to perform various processes in various sequences (e.g., wet etching after a dry etching as claimed) depending on the specific product requirement.

**(11) Response to Argument**

Appellant has argued that Funk does not teach that both wet etching and dry etching are used in a single process sequence and the dimension of the film after dry etching is used to determine the process requirements of wet etching. It is not

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persuasive. As has been stated in the office actions, Funk teaches a method of manufacturing a semiconductor device including a plurality of processing processes. The processes may be performed in sequences (**col. 2, lines 39-40**; col. 11, lines 12-16). The critical dimension of the film may be acquired. The processing requirements for the subsequent process may be determined on the basis of the dimension of the film to be processed. The processing processes may include dry etching (plasma etching) and wet etching (col.2, lines 38-60; col. 11, lines 12-25).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

*K. C. Chen*  
Kin-Chan Chen  
Primary Examiner  
Art Unit 1765

K-C C  
February 17, 2004

Conferees  
Douglas McGinty  
Nadine Norton

McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

NADINE G. NORTON  
SUPERVISORY PATENT EXAMINER  
*Nadine Norton*

APPEAL CONFEREES: *Douglas McGinty*

DOUGLAS MCGINTY  
QUALITY ASSURANCE SPECIALIST  
TECHNOLOGY CENTER 1700